

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROCHELLE FRIEDMAN.

Plaintiff

Case No.: 2:22-cv-003858
(WFK) (SJB)

- against -

UNIVEST BANK AND TRUST CO.,

Defendant
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**DECLARATION OF FRANK R. SEDDIO, ESQ. IN SUPPORT OF ORDER TO SHOW
CAUSE TO WITHDRAW AS COUNSEL AND TO STAY PROCEEDING FOR SIXTY
DAYS TO ENABLE PETITIONERS TO OBTAIN NEW COUNSEL**

FRANK R. SEDDIO, ESQ., being duly deposed, declares under penalty of perjury

Pursuant to 28 U.S.C. § 1746, as follows:

1. I am counsel for Plaintiff. I submit this declaration in support of this motion pursuant to Local Rule 1.4 to withdraw as attorney of record for Plaintiff in this action and to stay these proceedings for 60 days to enable Petitioners to obtain new counsel.

2. Local Rule 1.4 provides that “An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the Court and may not withdraw from a case without leave of the Court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar and whether or not the attorney is asserting a retaining or charging lien. All applications to withdraw must be served upon the client and (unless excused by the Court) upon all other parties.”

3. I respectfully submit that there is good cause for me to withdraw from this representation.

4. My office commenced this action in Kings County Supreme Court on behalf of Plaintiff.

5. Defendant removed this action to federal court.

6. There is good cause to withdraw because my firm does not practice in the federal courts, and, though admitted, I do not ordinarily take cases in the federal courts without the assistance of co-counsel versed in federal practice and procedure.

7. My law practice, and my legal experience, are nearly exclusively in the state courts of New York.

8. Neither I, nor my firm, have significant federal court experience and thus Plaintiff will not be well served if I remain as counsel in this matter.

9. Plaintiff does not oppose my withdrawal from this matter but needs time to retain experienced counsel to represent her.

10. I am not asserting a retaining or charging lien in this matter.


11. I make this motion by order to show cause because there are impending deadlines in this matter, including a pending motion to dismiss, and because an order to show cause will allow this motion to be decided in an expedited manner and thereby prevent any unnecessary delay in these proceedings.

WHEREFORE, for the reasons detailed herein, I respectfully request that the Court grant my request to withdraw as counsel for Plaintiff in this proceeding and give Plaintiff 60 days to obtain new counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 29th day of September 2022.

SEDDIO & ASSOCIATES, P.C.

By: /s/ 
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